IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11600 of 2005

Between:

Vinayakaya Bakeries,Rep by its Managing Partner Smt.Kalla Sankuntala,
W/o.Narayan Rao,
R/o.3-1-7, P.P.Road Bhimavaram 2, W.G.District.

..... PETITIONER

AND

1 The Assistant Divisional Engineer Operations, Bhimavaram, West Godavari District.
2 The Divisional Engineer/ Assesments, Rajahmundry, W.G.District.
3 The Superintendent Engineer Operations Elluru , W.G.District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue a writ order or direction more in the nature of writ of mandamus declaring the proceedings of the 1st respondent issued in Lr.No.ADE/0/BVRM/SER/D.No.192/05, dated 12-5-2005 in holding that the petitioner has misused the power supply and provisionally estimated the misuse of power supply as Rs.1,82,662/- and directing the petitioner to pay Rs.91,331/- + Rs.100/- for continuity of power supply during the pendency of enquiry as illegal, arbitrary and Violative of Principles of Natural Justice and consequently direct the respondents not to disconnect the power supply to the petitioners unit bearing S.C.No.33280/CAT-III situated in Dr.No.3-1-7, P.P.Road, Bhimavaram-2, West Goadavari District.

Counsel for the Petitioner: MR.M.SUBBA REDDY

Counsel for the Respondents:(SC FOR AP TRANSCO) V.AJAY KUMAR

The Court made the following :

ORDER:

This writ petition is filed to declare the proceedings of the 1st respondent in Lr.No. ADE/0/BVRM/SER/D.NO.192/05, dated 12-5-2005 directing the petitioner to pay Rs.91,331/- for continuity of power supply during the pendency of enquiry as illegal and arbitrary.

Heard the learned counsel for the petitioner and also the learned Standing Counsel appearing on behalf of the respondents.

Admittedly, appeal lies to the 3rd respondent against the impugned order of the 1st respondent. It is not a case of violation of principles of natural justice, nor the authority who passed the impugned order lacks jurisdiction. So also no fundamental rights of the petitioner are infringed.

Therefore, the writ petition is disposed of with a direction to the petitioner to file an appeal before the 3rd respondent within a period of 10 days from today. Till then the respondents are directed not to disconnect the power supply to the petitioner. No order as to costs.

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K.C.Bhanu, J.

24th May, 2005

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Assistant Divisional Engineer Operations, Bhimavaram, West Godavari District.
2 The Divisional Engineer/ Assesments, Rajahmundry, W.G.District.
3 The Superintendent Engineer Operations Elluru , W.G.District

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THE HON'BLE MR JUSTICE K.C. BHANU

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24th May, 2005.